

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL REGULAR MEETING
WEDNESDAY, JULY 2ND 2003
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The regular July Meeting of the Borough Council was held on Wednesday, July 2nd 2003. Councilpersons attending were Council President Edward M. Bush, Sr., Council Vice President Donald H. Moyer, III, Councilman Robert Bennett, Councilman Thomas Bradley, Councilperson Gerry Carey, Councilperson Linda Jenkins, and Councilman Patrick Williams. Also attending were Mayor Robert W. Kester, Chief of Police Joseph English, Solicitor Earnest D. Preate, Jr. and Borough Manager/Secretary James G. Vones, Sr.

There being a quorum present Council President Bush called the Meeting to order at approximately 7:08 P.M. A moment of self-directed silent meditation was observed, followed by the Pledge of Allegiance to the Flag.

RECESS:

Motion by Mr. Bradley to recess the regular meeting and returned the Public Hearing and Special Meeting which started at 6:00 P.M. Second by Mr. Bennett. Discussion – None. Motion carried 7-0.

RECONVENE:

President Bush reconvened the regular meeting at approximately 7:54 P.M. For the record, attendance remained the same.

APPROVAL OF AGENDA:

The Agenda for this evening's regular meeting had been pre-approved by Council President Bush.

APPROVAL OF MINUTES:

The Minutes of the Borough Council June 4th 2003 Regular Meeting were before Council. Motion by Mr. Moyer to approve the Minutes. Second by Mrs. Carey. Discussion followed. Mrs. Jenkins noted a correction to be made on Page three dealing with police tickets. Solicitor Preate noted a correction on page seven, were Council had authorized the drafting and publication of a Borough Ordinance to close a portion of Grandview Street, they had also authorized the Public Hearing and Special Meeting for Wednesday, July 2nd 2003. Mrs. Carey accepted the amendments, as did Mr. Moyer. As noted the Minutes were approved by a vote of 7-0.

BIDS & QUOTATIONS:

None

BOROUGH TREASURER'S REPORT:

The Borough Treasurer's Report, prepared by Dee Ann Stephens, as of June 30th 2003 was before Council. Motion by Mrs. Jenkins to accept the Report as presented. Second by Mr. Bradley. Discussion – None. Motion carried 7-0.

COMMITTEE REPORTS:

Mrs. Jenkins requested a Personnel Executive Session to follow this Meeting, as requested by the Borough Manager/Secretary.

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POLICE REPORT:

Mayor Kester gave the Police activity Report for the month of June 2003. Mr. Bradley asked about the Pedestrian Signs the Borough purchased last year and why they still not placed out? Chief English stated, Tom, they will be put out tomorrow.

Mr. Bradley stated he had requested a report on the cell phone usage by the Police Department for two months now. All I got was page 3 of one phone bill.

Mr. Bradley stated he had directed the Police Chief to get prices on various cell phone packages and present them to Council. Where are they? Chief English responded that in a fluid market, the cell phone plans change on almost a daily basis. Bradley responding, well I never got any paperwork at all.

Mayor Kester and Chief English asked about the meeting they had requested with the Council Public Safety Committee last month. Mr. Bradley responded that no one called him or told him when the meeting was scheduled. After a period of back and forth, Council President Bush stated that was enough and a meeting would be scheduled now. President Bush stated that a meeting with Mayor Kester, Chief English and the Public Safety Committee would be conducted on Monday, July 7th 2003 at 8:00 A.M. to discuss police issues and purchasing and equipment.

Mr. Bradley asked about the Part Time Police Officer, Kyle Kemp. He was terminated at the last council Meeting and the Chief was to contact him and get back all Borough issued equipment and uniforms. He asked the Chief if had gotten the equipment back? Chief English responded that he had had no response from Kemp.

Mr. Bradley asked about Borough Check # 12180. He wanted to know what was purchased/paid for the Police Department? The Borough Manager/Secretary was directed to obtain a copy of Check number 12180 and place it in Mr. Bradley's mail slot.

Mr. Bradley questioned the status of Part Time Police Officer Herman Johnson? Chief English responded he was in active at this time, due to a Workers Comp. Injury at the Tobyhanna Army Depot.

Motion by Mrs. Jenkins to place Mr. Johnson in an In-Active Employment Status with the Borough and to advise the Insurance Company of this fact, since a refund/saving in insurance cost might be achieved. Second by Mr. Bradley. Discussion – None. Motion carried 7-0.

Chief English reported that Officer Joseph Kopicki would be having an operation within the next two weeks, and following that may be off work for six months, recovering. Mrs. Jenkins stopped the report and asked if the Police Department had received any training about medical disclosures and new federal law (HIPPA). Mrs. Jenkins stated the Fire Company had received training on the new Federal Law and suggested the Chief look into similar training for himself and the police officers.

BILLS TO BE PAID:

Motion by Mr. Bradley to approve the current payments \$ 54,793.85 from the General Fund and \$20,506.09 from the Payroll Account; additionally to approve the payment made between June 5th 2003 and June 24th 2003, specifically \$186,033.11 from the General Fund, \$ 37,725.56 from the Payroll Account, and \$ 104.00 from the Sewer Fund. Second by Mr. Moyer. Under discussion both Mr. Bradley and Mr. Bennett noted they be abstaining on check # 12222 to the Parker Westcott Post 40. Except as noted the motion carried 7-0.

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OLD BUSINESS:

None

NEW BUSINESS:

Resolution 2003-13 Sidewalk Sales Days/Suspension of Meter Enforcement

Resolution 2003-13 was before Council. The Resolution would suspend parking meter enforcement during the Abington Business and Professional Association "Sidewalk Sales Days". Motion by Mr. Moyer to adopt the Resolution. Second by Mrs. Jenkins. Discussion – None. Motion carried 7-0.

Resolution 2003-14 Adopting Lackawanna County Domestic Violence Protocol

Resolution 2003-14 was before Council. The Resolution would adopt by reference the Lackawanna County Domestic Violence Protocol as the Borough's Domestic Violence Policy. Having such a policy was a requirement for the Borough's 2003/2004 Insurance renewal with Standard Insurance Company. Motion by Mr. Moyer to adopt the Resolution. Second by Mrs. Jenkins. Discussion – None. Motion carried 7-0.

Preliminary Land Use Approval/Colarusso's Rest. Inc.

The Preliminary Land Use of Colarusso's Restaurant, Inc. at State, Grove and Linden Streets was before Council. The Planning Commission recommended approval of the Preliminary based upon several conditions. These were 1) That three (3) required Variances would be secured from the Borough's Zoning Hearing Board, 2) that a complete and detailed floor plan be submitted, and then reviewed by the Borough Engineer for computation of required parking spaces. Motion by Mrs. Jenkins to approve the Preliminary Land Use, based upon the above conditions being met. Second by Mrs. Carey. Under discussion Mr. Williams noted that the PennDOT intersection improvement is still pending. Mr. Bennett requested a clarification on the gross square area (proposed for Colarusso's). Motion carried 7-0.

Trash & Recycling Collection for both Thursday and Friday this week will be on Thursday due to the 4th of July Holiday on Friday.

This was an informational item and no action was required by Council.

Special Need Questionnaire – Mailing (a subset of Borough Emergency Plan).

A "Special Needs Questionnaire" Form was developed by the Borough's Emergency Management. This Confidential Form could be completed by a person with a disability and returned to the Borough. It would then be filed as a part of the Borough's Emergency Plan. In the event of a natural or manmade disaster, these persons/location would receive special attention/handling.

The cost of mailing was discussed, but it was determined to be a costly matter, and a better alternative could be achieved. Mrs. Carey and Mr. Williams would receive twenty-five (25) copies each and distribute them to the local church. One hundred twenty five (125) copies would be made a given to the Police Department for distribution to the Hayes/Mc Dade Apartments, the Linden Street Apartments, the Library, and the Senior Center. Copies to be made by the Borough Secretary for distribution. No further action was required, by Council, in this matter.

BOROUGH SEWER OFFICE REPORT:

The June 2003 Sewer Office Report as prepared by Dee Ann Stephens was before Council. Motion by Mrs. Jenkins to accept the Report as presented. Second by Mr. Moyer. Discussion – None. Motion carried 7-0.

SOLICITOR'S REPORT:

Solicitor Ernest D. Preate, Jr. reported on a few matters. He stated he had reviewed the suggested Resolution sent to him by Attorney Marianne M. Stivala on June 13th 2003 and found it to be acceptable. This matter could be scheduled for Council on August 6th 2003.

Solicitor Preate stated he had reviewed the Codes Violation complaint on Hilltop. He had no records on this from his brother Bob's files, but had offered his assistance in this matter. To date, he had not been contacted by Mancinelli's Office.

He reported that a Summary Judgment had been filed in the Jackson vs. Borough Police Pension Board matter. A Hearing should be scheduled in late summer/early fall of 2003.

He had been advised of an offer to purchase the Clarks Summit/South Abington Joint Sewer Authority by PennAmerican Water Co.

He had filed a few sewer/municipal liens on behalf of the Sewer Office.

He had received notice of a Tax Assessment Hearing, regarding property taxes brought by the School District against the Scranton Country Club.

Regarding the barriers placed at the old WEIS Market on South State Street, he had reviewed this matter, requested information and reviewed aerial photographs. He considered this closing a hazard. He stated there had been a cartway from 1950 and continued use of the area from the 1950s until KARF, LLC recently closed. He requested authorization from Council to continue his efforts in this area. Motion by Mrs. Jenkins to grant such authority. Second by Mr. Bradley. Discussion – None. Motion carried 7-0.

Solicitor Preate stated he had received notice about two lawsuits files by Jacob Nogi, et al regarding the South Abington Township development adjacent to Grandview Street.

CORRESPONDENCE:

The Borough Manager/Secretary reported on the following correspondence received:

A June 12th 2003 letter from Jacob Nogi re: advice of Borough Solicitor, to inform him of vandalism at his home on Grandview Street and police involvement.

A June 13th 2003 letter from Sewer Authority to PaDEP re: by-pass flow meter and recording device being installed (this was a response to a notice issued by PaDEP to the Authority).

A June 15th 2003 letter from Elizabeth Davis re: Water Problems at Hemlock Drive. Mrs. Davis was present. Council requested that Mr. Moyer meet with Ms. Davis and investigate this problem/complaint. If possible, and within the Borough right-of-way, the Borough would do whatever is necessary to assist Ms. Davis.

A June 20th 2003 letter from Abington Heights School District requesting a waiver of Permit Fee for "Reader Board" on West Grove Street. Motion by Mr. Bennett to waive the Permit Fee. Second by Mr. Moyer. Under discussion Mr. Williams questioned the need for another announcement board on West Grove Street. The motion carried 7-0.

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EXECUTIVE SESSIONS:

President Bush announced that no Executive Sessions had been held prior to this meeting. One would be conducted during this meeting at the request for Mrs. Jenkins, Chairperson Council Personnel Committee and the Borough Manager/Secretary, and none were subsequently scheduled following this meeting.

PUBLIC COMMENT & INPUT:

Mrs. Carol Jenkins of West Grove Street questioned the status of the Hemlock, the naming and dedication of the park? She stated that a letter from Attorney Cognetti had been sent, on behalf of the Preate family. She asked if the Borough had received such a letter. The Borough Manager/Secretary responded he had not.

RECESS:

Council recessed for a Non-Uniform Executive Session at approximately 9:45 P.M.

RECONVENE:

Council reconvened at approximately 11:03 P.M.

ADJOURNMENT:

There being no further business before Borough Council. Motion by Mr. Bradley to adjourn. Second by Mr. Bennett. Discussion – None. Motion carried 7-0. The Meeting adjourned at approximately 11:05 P.M.

Respectfully submitted,

JAMES G. VONES, SR.
Borough Manager/Secretary

EDWARD M. BUSH, SR.
Council President